

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIAM E. DUGAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 3487
)	
BURT, INC., an Indiana corporation,)	JUDGE MILTON I. SHADUR
)	
Defendant.)	

**MOTION FOR ENTRY OF DEFAULT AND FOR AN ORDER
DIRECTING DEFENDANT TO TURN OVER
MONTHLY FRINGE BENEFIT CONTRIBUTION REPORTS**

NOW COME Plaintiffs, by their attorneys, and move for entry of default and for an order directing BURT, INC., an Indiana corporation, Defendant herein, to turn over monthly fringe benefit contribution reports due for the months of October 2007 through May 2008, pursuant to the Agreements and Declarations of Trust to which Defendant is bound, said Defendant having failed to answer or otherwise plead to the Complaint and the monthly contribution reports being required in order to liquidate Plaintiffs' claims.

On June 26, 2008, the Summons and Complaint was served on the Registered Agent by tendering a copy of said documents to him personally at his place of business (a copy of the Summons and Affidavit of Service is attached hereto). Therefore, Defendant's answer was due on July 16, 2008. As Defendant has failed to timely answer the Complaint, Plaintiffs respectfully request entry of default.

/s/ Cecilia M. Scanlon

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 31st day of July 2008:

Mr. John F. Burt, Registered Agent
Burt, Inc.
11836 Woodmar Place
Cedar Lake, IN 46303

/s/ Cecilia M. Scanlon _____

Cecilia M. Scanlon
Attorney for Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6288574
Telephone: (312) 236-4316
Facsimile: (312) 236-0241
E-Mail: cscanlon@baumsigman.com

I:\MOEJ\Burt, Inc\#21120\motion for default and reports.cms.df.wpd

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

WILLIAM E. DUGAN, et al.

CASE NUMBER: 08CV3487

V.

ASSIGNED JUDGE: JUDGE SHADUR

BURT, INC., an Indiana corporation

DESIGNATED

MAGISTRATE JUDGE:

MAGISTRATE JUDGE SCHENKIER

TO: (Name and address of Defendant)

Burt, Inc.
c/o John F. Burt, Registered Agent
11836 Woodmar Place
Cedar Lake, IN 46303

I hereby certify that I have served the
within writ on the 26 day of
June, 2008, by leaving a copy
at 11836 Woodmar Pl. Cedar Lake, IN
the dwelling place or usual place of
abode of said defendant.

ROGELIO ROY DOMINGUEZ, SHERIFF

By [Signature] DeputyCopy Mailed 6-26-08**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Cecilia M. Scanlon
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 W. Adams Street, Suite 2200
Chicago, IL 60606-5231
(312) 236-4316

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the
relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time
after service.

NOTE: When the print dialogue
box appears, be sure to uncheck
the Annotations option.

Michael W. Dobbins, Clerk

[Signature]
(By) DEPUTY CLERK

RECEIVED
JUN 24 11:18 AM
CLERK COUNTY SHERIFF DEPT.
JANESVILLE POINT CIVIL

June 18, 2008

Date





Lake County, Indiana
 Sheriff's Department
 Civil Process Division

23196

Affidavit
 Of
 Out of State
 Service

State of ILLINOIS Cause Number 08CV3487

County of _____

Plaintiff WILLIAM E. DUGAN

VS.

Defendant BURT, INC

(State of Indiana
 (County of Lake

Deputy Sheriff DAN BURSAC, on oath, being duly sworn deposes and says: I am a citizen of the United States and the state of Indiana; above the age of twenty-one years, not a party of the entitled action, and in no way interested therein. That on the 26 Day of JUNE, 2008, in the city of CEDAR LAKE, County of Lake and the State of Indiana, I served, in the above entitled cause, on the named Defendant JOHN F. BURT by mailing, also delivering to and leaving with at

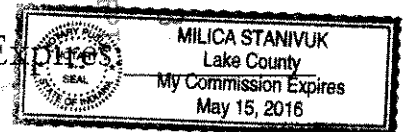
(ADDRESS) 11836 WOODMAN PLACE, CEDAR LAKE, IN.

☐ PERSONALLY ☐ AUTHORIZED AGENT ☒ PLACE OF RESIDENCE AND COPIES MAILED

[Signature] Deputy Sheriff of Lake County, Indiana

Subscribed and sworn to and before me this 26th Day of June A.D. 2008

Notary Public: Milica Stanivuk My Commission Expires



RECEIVED
 JUN 27 11:11
 LAKE COUNTY SHERIFF'S DEPT
 CIVIL PROCESS DIVISION